

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James Jack Germany, Jr., #327729,)	
)	C/A No. 0:10-1026-MBS
Plaintiff,)	
)	
vs.)	ORDER
)	
Alvin S. Glenn Detention Center,)	
Richland County,)	
)	
Defendants.)	
_____)	

Plaintiff James Jack Germany, Jr. is an inmate in custody of the South Carolina Department of Corrections. Plaintiff currently is housed at the Ridgeland Correctional Institution in Ridgeland, South Carolina. Plaintiff, proceeding pro se, filed a complaint on April 26, 2010, alleging that he was attacked by another inmate in September 2007 when he was detained at the Alvin S. Glenn Detention Center in Richland County, South Carolina. Plaintiff brings this complaint pursuant to 42 U.S.C. § 1983, alleging deliberate indifference to his safety.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915, 1915A, and the Prison Litigation Reform Act of 1996. On May 14, 2010, the Magistrate Judge issued a Report and Recommendation in which she recommended that the complaint be summarily dismissed because (1) Defendant Alvin S. Glenn Detention Center is not a “person” for purposes of § 1983, and (2) Defendant Richland County cannot be held liable under a theory of respondeat superior. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and adopts the Report and Recommendation. Plaintiff’s complaint is summarily dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

June 8, 2010.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.